

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant :	Barry Appelman et al.	Art Unit :	2142
Serial No. :	09/842,024	Examiner :	Robert B. Harrell
Filed :	April 26, 2001	Conf. No. :	6929
Title :	TARGETED NOTIFICATION OF USERS OF A COMMUNICATIONS SYSTEM		

Mail Stop Appeal Brief - Patents

Commissioner for Patents
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REPLY BRIEF

Pursuant to 37 C.F.R. § 41.41, Applicant responds to the Examiner's Answer as follows.

Independent claims 1, 15, and 19

Burfeind fails to describe or suggest "targeting rules designating . . . a target type of access device or a target type of software [and] applying the targeting rules to the context information to identify a subset of the one or more online users . . . who employ at least one of the target type of access device or the target type of software," as recited in claim 1 and similarly recited in claims 15 and 19. Instead, Burfeind's system first identifies a user, accesses personal preferences for the identified user, and subsequently generates a message based on the personal preferences of the identified user. Only then will the system retrieve an identification of the output device of the subscriber from the personal preferences to format the message for that device.

Specifically, to support the assertion that Burfeind discloses the above-noted feature, the Examiner's Answer cites to col. 9, lines 11-16; col. 10, lines 9 and 44-et seq. (specifically lines 49-53); col. 2, lines 3-et seq.; and col. 7, line 57. Examiner's Answer, page 5-6. All but col. 2, lines 3-et seq. describe the system shown in Fig. 4 of Burfeind. As described at col. 10, lines 6-53, in this system:

The Personal Weather Text Generator (PWTG) 470 retrieves data from each of the above databases described: The personal preference database 426, the radar database 436, the satellite database 446, gridded natural-phenomenological database 456 and raw natural-phenomenological database 466. The data is analyzed and an output text string 471 of personalized natural-phenomenological information is generated. In one embodiment, the PWTG 470 generates for a

subscriber who has indicated in his/her dynamic personal preferences that sailing is an activity of the subscriber, on Jul. 4, 2002 at Miami, Fla., a text string indicating forecast wind conditions on Jul. 4, 2002 at 3 pm in Miami, Fla. is generated, such as "The winds for sailing tomorrow will be 10-12 knots."

...

Thereafter, the multimedia device interface 480 retrieves the identification of the output devices(s) 481 of the subscriber from the personal preferences database through a personal preferences database object (as shown in FIG. 5), and subsequently encodes the output text string 471 and/or add information appropriate to the device type and in a manner that is compliant to the capabilities, features and functions of the destination device in order to create device-specific personalized multimedia natural-phenomenological information (not shown).

Burfiend, col. 10, lines 6-53 (emphasis added).

Thus, in the system described in Fig. 4 of Burfiend, the PWTG accesses the personal preferences of an identified subscriber and the natural phenomenological data, and generates a message based on this information. *Thereafter*, the particular output device of the subscriber is determined and the message is formatted for that device. As such, the system in Burfeind does not use targeting rules designating a target type of access device or a target type of software to identify a subset users that employ the target type of device or target type of software and, instead, Burfiend's system uses an identified subscriber to determine the access device or software to which the personalized message should be routed.

Further, Col. 2, lines 3-et seq., or any other sections of Burfiend, do not describe a modification of Burfiend's system in which targeting rules are applied to context information to identify a subset of users who employ a target type of access device or a target type of software.

Thus, Burfeind simply fails to describe or suggest "targeting rules designating at least a target geographic location and at least one of a target type of access device or a target type of software [and] applying the targeting rules to the context information to identify a subset of the one or more online users that are associated with the target geographic location and who employ at least one of the target type of access device or the target type of software," as recited in claim 1 and similarly recited in claims 15 and 19.

For at least these reasons, Applicants respectfully request reversal of the rejections of claims 1, 15, and 19, along with their dependent claims.

Dependent claim 4

Burfeind fails to describe or suggest “the targeting rules additionally designate an online location and applying the targeting rules to the context information comprises applying the targeting rules to the context information to identify the subset of the one or more online users that are located in the target geographic location, who employ at least one of the target type of access device or the target type of software, and who are visiting the online location,” as recited in claim 4. The Examiner's Answer cites to col. 13, lines 52-et seq. as disclosing this feature, and asserts:

Burfiend taught . . . applying the targeting rules to the context information to identify the subset (i.e., those in Miami per longitude and latitude) of the one or more online users that are located in the target geographic location, who employ at least one of the target type of access device or the target type of software, and who are visiting the online location (i.e., visiting Miami).

Examiner's Answer, page 7

Thus, the Examiner's Answer appears to assert that the city of Miami is the equivalent of an online location. The city of Miami is a geographic location, not an *online* location.

Likewise, the sections of Burfiend cited by the Examiner's Answer may describe aspects of geographic locations, but not *online* locations. Specifically, the portion cited describes various object oriented software classes that can be used in an implementation of Burfiend's system. In particular, a preference class is composed of a sensitivity class, a geographic location class, a season class, and a base class. Col. 13, lines 52-64. Although this section of Burfeind describes attributes associated with a geographic location, this section does not describe or suggest an *online* location.

Accordingly Burfeind fails to describe or suggest “the targeting rules additionally designate an online location and applying the targeting rules to the context information comprises applying the targeting rules to the context information to identify the subset of the one or more online users that are located in the target geographic location, who employ at least one

of the target type of access device or the target type of software, and who are visiting the online location" as recited in claim 4. For at least these reasons, Applicants respectfully request reversal of the rejection of claim 4.

Dependent claim 11

Burfeind fails to describe or suggest "ranking the one or more online users based on the specified parameters," as recited in claim 11. In connection with claim 11, the Examiner's Answer, like the final office action, asserts that the subscriber's output devices (e.g., voicemail and e-mail) are device specific and software dependent and therefore belong to different ranks. Even assuming for the sake of the argument that this assertion is correct, this still fails to describe or suggest "ranking the one or more online users based on the specified parameters." This at most describes ranking devices or software, and not the ranking of *users*. For at least these reasons, Applicants respectfully request reversal of the rejection of claim 11.

For these reasons, and the reasons stated in the Appeal Brief, Applicant submits that the final rejections should be reversed.

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Respectfully submitted,

Date: _____

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